

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 15 May 2001 (15.05.01)	
International application No. PCT/US00/19843.	Applicant's or agent's file reference 00415-02
International filing date (day/month/year) 21 July 2000 (21.07.00)	Priority date (day/month/year) 23 July 1999 (23.07.99)
Applicant HERR, John, C. et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
20 February 2001 (20.02.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Olivia TEFY Telephone No.: (41-22) 338.83.38
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INTERNATIONAL SEARCH REPORT

International application No.
PCT/US00/19843**A. CLASSIFICATION OF SUBJECT MATTER**

IPC(7) :Please See Extra Sheet

US CL :Please See Extra Sheet

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 424/152.1, 172.1 178.1; 435/2, 7.21, 7.92, 328, 329; 436/518; 530/387.3, 387.5, 388.2, 391.1, 391.3, 391.7; 536/23.53; 935/66

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
EAST**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5,830,472 A (HERR et al.) 03 November 1998, see entire document.	1-37
Y	OWENS et al. The Genetic Engineering of Monoclonal Antibodies. Journal of Immunological Methods. 1994, Vol. 168, pages 149-165, see entire document.	1-37

☐ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents:	*T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
A document defining the general state of the art which is not considered to be of particular relevance	*X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
B earlier document published on or after the international filing date	*Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	*A* document member of the same patent family
O document referring to an oral disclosure, use, exhibition or other means	
P document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

21 SEPTEMBER 2000

Date of mailing of the international search report

18 OCT 2000

Name and mailing address of the ISA/US
Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

JAMES L. GRUN, PH.D.

Telephone No. (703) 308-0196

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US00/19843

A. CLASSIFICATION OF SUBJECT MATTER:
IPC (7):

A61K 39/395, 39/44; C07H 21/04; C07K 16/18; C12P 21/08; G01N 33/542, 33/567

A. CLASSIFICATION OF SUBJECT MATTER:
US CL :

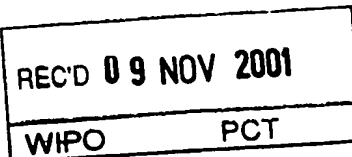
424/152.1, 178.1; 435/2, 7.21, 7.92, 328, 329; 436/518; 530/387.3, 387.5, 388.2, 391.1, 391.7; 536/23.53; 935/66

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference 00415-02	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/19843	International filing date (day/month/year) 21 JULY 2000	Priority date (day/month/year) 23 JULY 1999
International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet.		
Applicant UNIVERSITY OF VIRGINIA PATENT FOUNDATION		

<ol style="list-style-type: none"> 1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <u>4</u> sheets. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>0</u> sheets. 3. This report contains indications relating to the following items: <table style="margin-left: 20px;"> <tr><td>I</td><td><input checked="" type="checkbox"/></td><td>Basis of the report</td></tr> <tr><td>II</td><td><input type="checkbox"/></td><td>Priority</td></tr> <tr><td>III</td><td><input type="checkbox"/></td><td>Non-establishment of report with regard to novelty, inventive step or industrial applicability</td></tr> <tr><td>IV</td><td><input type="checkbox"/></td><td>Lack of unity of invention</td></tr> <tr><td>V</td><td><input checked="" type="checkbox"/></td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr> <tr><td>VI</td><td><input type="checkbox"/></td><td>Certain documents cited</td></tr> <tr><td>VII</td><td><input type="checkbox"/></td><td>Certain defects in the international application</td></tr> <tr><td>VIII</td><td><input type="checkbox"/></td><td>Certain observations on the international application</td></tr> </table> 	I	<input checked="" type="checkbox"/>	Basis of the report	II	<input type="checkbox"/>	Priority	III	<input type="checkbox"/>	Non-establishment of report with regard to novelty, inventive step or industrial applicability	IV	<input type="checkbox"/>	Lack of unity of invention	V	<input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	VI	<input type="checkbox"/>	Certain documents cited	VII	<input type="checkbox"/>	Certain defects in the international application	VIII	<input type="checkbox"/>	Certain observations on the international application
I	<input checked="" type="checkbox"/>	Basis of the report																						
II	<input type="checkbox"/>	Priority																						
III	<input type="checkbox"/>	Non-establishment of report with regard to novelty, inventive step or industrial applicability																						
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VI	<input type="checkbox"/>	Certain documents cited																						
VII	<input type="checkbox"/>	Certain defects in the international application																						
VIII	<input type="checkbox"/>	Certain observations on the international application																						

Date of submission of the demand 20 FEBRUARY 2001	Date of completion of this report 05 OCTOBER 2001
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer JAMES L. GRUN, Ph.D.
Facsimile No. (703) 305-3230	Telephone No. (703) 308-0196

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/19843

I. Basis of the report**1. With regard to the elements of the international application:***☒ the international application as originally filed☒ the description:

pages 1-25, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____

☒ the claims:

pages 26-29, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages NONE, filed with the letter of _____

☒ the drawings:

pages 1-3, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____

☒ the sequence listing part of the description:

pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**☐ contained in the international application in printed form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.**4. ☒ The amendments have resulted in the cancellation of:**☒ the description, pages NONE☒ the claims, Nos. NONE☒ the drawings, sheets/fig NONE**5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).****

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/19843

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

Novelty (N)	Claims <u>1-37</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-37</u>	NO
Industrial Applicability (IA)	Claims <u>1-37</u>	YES
	Claims <u>NONE</u>	NO

2. citations and explanations (Rule 70.7)

Claims 1-37 lack an inventive step under PCT Article 33(3) as being obvious over Herr et al (US. Pat. No. 5,830,472) in view of Owens et al.

Herr et al teach the S19 monoclonal antibody, deposited as ATCC HB12144, and the use of the antibody as a spermicide and diagnostic. The sequence of the antibody is a property of the deposited antibody. The reference teaches that, using the sequences of the antibody, conventional techniques can be employed to provide recombinant antibodies (see e.g. column 9, lines 3-7).

Owens et al teach conventional techniques for the genetic engineering of monoclonal antibodies for a variety of benefits including to provide a more stable, higher-yield, and/or lower cost production means than hybridomas.

It would have been obvious to one in the art to have recombinantly engineered the S19 monoclonal antibody of Herr et al using the conventional techniques taught in Owens et al motivated by the direct suggestion in Herr et al to do so and by the benefits taught in Owens et al.

Claims 1-37 meet the criteria set out in PCT Article 33(4) for industrial applicability.

----- NEW CITATIONS -----
NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/19843

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

CLASSIFICATION:

The International Patent Classification (IPC) and/or the National classification are as listed below:

IPC(7): A61K 39/395, 39/44; C07H 21/04; G07K 16/18; C12P 21/08; G01N 33/542, 33/567 and US Cl.: 424/152.1, 178.1; 435/2, 7.21, 7.92, 328, 329; 436/518; 530/387.3, 387.5, 388.2, 391.1, 391.7; 536/23.53; 935/66